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**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

MICHAEL GRECCO  
PRODUCTIONS INC.,

*Plaintiff,*

v.

TIKTOK, INC.,

*Defendant.*

Case No. 2:24-CV-04837-FLA-MAR

**APPLICATION FOR LEAVE TO  
FILE UNDER SEAL RELATING TO  
DEFENDANT'S OPPOSITION TO  
PLAINTIFF'S MOTION FOR  
PARTIAL SUMMARY JUDGMENT**

Hon. Fernando L. Aenlle-Rocha

Filed concurrently with:  
(1) Declaration of J. Michael Keyes; and  
(2) [Proposed] Order

Second Amended Complaint filed:  
April 1, 2025

1 PLEASE TAKE NOTICE that, pursuant to Civil Local Rule 79-5, Defendant  
2 TikTok, Inc. (“Defendant” or “TTI”) files this application to file under seal relating  
3 to Defendant’s Opposition to Plaintiff’s Motion for Partial Summary Judgment.

4 This Application is based on this Application for Leave to File Under Seal, the  
5 following Memorandum of Points and Authorities, the Declaration of J. Michael  
6 Keyes (“Keyes Decl.”) submitted herewith, the concurrently lodged Proposed Order,  
7 the pleadings and evidence in the Court’s files, and any further evidence and oral  
8 argument that may be requested by the Court.

9 **MEMORANDUM OF POINTS AND AUTHORITIES**

10 Defendant is filing an Opposition to Plaintiff’s Motion for Partial Summary  
11 Judgment (the “Opposition Brief”) and respectfully requests leave to file under seal:

12 (1) Portions of the Declaration of Ms. Jemili Boutros filed in support of the  
13 Opposition Brief (the “Boutros Declaration”). Keyes Decl., Exh. D.

14 (2) Portions of the transcript from the deposition of Ms. Boutros, filed as  
15 Exhibit 6 in support of the Opposition Brief (“Exhibit 6). Keyes Decl., Exh. E.

16 (3) Exhibit 3 filed in support of the Opposition Brief (“Exhibit 3”), which  
17 identifies which TikTok users at issue in the matter participate in the Creator  
18 Program. Keyes Decl., Exh. F.

19 (4) Portions of Opposition Brief that quote from or summarize confidential  
20 information from the Boutros Declaration, Exhibit 6, or Exhibit 3. Keyes Decl.,  
21 Exh. A.

22 (5) Portions of Defendant’s Statement of Additional Uncontroverted Facts  
23 in support of the Opposition Brief (“Statement of Additional Uncontroverted Facts”)  
24 that quote from or summarize confidential information from the Boutros Declaration,  
25 Exhibit 6, or Exhibit 3. Keyes Decl., Exh. B.

26 (6) Portions of Defendant’s Statement of Genuine Disputed Facts in support  
27 of the Opposition Brief “Statement of Genuine Disputed Facts” that quote from or  
28

1 summarize confidential information from the Boutros Declaration, Exhibit 6, or  
2 Exhibit 3. Keyes Decl., Exh. C.

3 For the reasons below, leave to file these documents under seal should be  
4 granted.

5 **I. LEGAL STANDARD**

6 While there is a strong presumption of public access to judicial records,  
7 documents filed in support of a motion nevertheless may be sealed if there are  
8 “compelling reasons” to protect the information contained therein. *See* L.R. 79-5.2.2;  
9 *Kamakana v. City & Cty. of Honolulu*, 447 F.3d 1172, 1178–80 (9th Cir. 2006).  
10 Courts have found that such compelling reasons exist when the filing could “become  
11 a vehicle for improper purposes,” such as release of trade secrets or confidential  
12 business information. *Id.* at 1179 (quoting *Nixon v. Warner Commc’ns, Inc.*, 435  
13 U.S. 589, 598 (1978)). In the Ninth Circuit, courts adopted the Restatement’s  
14 definition of trade secrets, which includes “any . . . compilation of information which  
15 is used in one’s business, and which gives [one] an opportunity to obtain an  
16 advantage over [other] competitors who do not know or use [the information].”  
17 Restatement of Torts § 757, cmt. b.

18 Courts in this District routinely determine that under seal filing is appropriate  
19 to limit the disclosure of confidential or sensitive business information that could be  
20 used by a competitor. *See, e.g., Miotox LLC v. Allergan, Inc.*, 2016 WL 3176557, at  
21 \*2 (C.D. Cal. June 2, 2016); *Gasio v. Target Corp.*, 2015 WL 11387768, at \*1 (C.D.  
22 Cal. Jan. 30, 2015); *see also Center for Auto Safety v. Chrysler Grp., LLC*, 809 F.3d  
23 1092, 1097 (9th Cir. 2016) (factors for granting a motion to seal include when  
24 documents act “as sources of business information that might harm a litigant’s  
25 competitive standing”). Financial information and information relating to customers  
26 are among the categories of “confidential or sensitive business information” courts  
27 protect. *In re Apple Inc. Device Performance Litig.*, 2019 WL 1767158, at \*2 (N.D.  
28 Cal. Apr. 22, 2019); *See Icon-IP Pty Ltd. v. Specialized Bicycle Components, Inc.*,

1 2015 U.S. Dist. LEXIS 26519, at \*5 (N.D. Cal. Mar. 3, 2015) (“Under Ninth Circuit  
2 law, pricing, profit, and customer usage information, when kept confidential by a  
3 company, is appropriately sealable under the ‘compelling reasons’ standard where  
4 that information could be used to the company’s competitive disadvantage.”).

## 5 **II. ARUGMENT**

### 6 **A. Ms. Boutros’ Testimony and Exhibit 3 Involve TTI’s Confidential 7 Information and Should be Sealed**

8 Defendant is submitting testimony from Ms. Boutros, a Senior Intellectual  
9 Property Specialist, in support of its Motion. Ms. Boutros’s testimony is provided  
10 both through the Boutros Declaration and through Exhibit 6, which is relevant  
11 portions from the July 10, 2025, deposition of Ms. Boutros. Keyes Decl. ¶¶ 6–8.  
12 Ms. Boutros’s testimony includes TTI’s confidential business information relating to  
13 policies and procedures for processing and reviewing copyright takedown notices  
14 received by TTI. *Id.* ¶ 6. TTI seeks to file under seal only information relating to  
15 TTI’s internal policies and procedures, which it treats as highly confidential. *Id.*  
16 Disclosure of this information could provide a roadmap for third parties to interfere  
17 with TTI’s internal policies and procedure or for competitors to copy and implement  
18 Defendant’s confidential policies and procedures. Therefore, such information is  
19 properly sealed. *E.g., Felix v. Davis Moreno Constr., Inc.*, 2008 WL 3009867, at \*1-  
20 3 (E.D. Cal. Aug. 1, 2008) (recognizing that injury may result from the disclosure of  
21 confidential business information, such as use of the information by competitors to  
22 “compete for [its] customers, or interfere with [its] business plan and thereby gain a  
23 competitive advantage in the marketplace”) (citation omitted).

24 Ms. Boutros’s testimony also includes confidential data relating to TTI’s user  
25 metrics, namely the number of TikTok users and the number of videos they have  
26 posted to the TikTok platform. Keyes Decl. ¶ 7. Similarly, Exhibit 3 includes data  
27 identifying which TikTok user accounts are part of the Creator Program, which  
28 TikTok and its users treat as confidential. Keyes Decl. ¶ 7. This customer usage

1 information is highly confidential and properly sealed. *See Icon-IP Pty Ltd.*, 2015  
2 U.S. Dist. LEXIS 26519, at \*5 (finding “customer usage information, when kept  
3 confidential by a company, is appropriately sealable”). Ms. Boutros also provides  
4 confidential testimony relating to the ways that TTI generates revenues. Keyes Decl.  
5 ¶ 8. Disclosure of this information could give competitors insight into TTI’s business  
6 and strategies that they otherwise would not have and allow them to unfairly compete  
7 with Defendant. *Id.* This information is properly sealed. *Center for Auto Safety,*  
8 *LLC*, 809 F.3d at 1097.

9 The confidential information described above appears in paragraphs 4, 7, 10,  
10 and 12 of the Boutros Declaration and Defendant only seeks to file those portions  
11 under seal, leaving the remaining paragraphs visible to the public. Keyes Decl. ¶ 9.  
12 Similarly, the confidential information described above appears on less than half of  
13 the pages of the transcript in Exhibit 6. *Id.* ¶ 10. Defendant seeks to file the entirety  
14 of Exhibit 3 under seal as it only contains confidential user information. *Id.* at ¶ 11.

15 **B. The Portions of the Memorandum and Statement of Facts**  
16 **Summarizing the Referenced Testimony and Exhibits Should be**  
17 **Sealed**

18 For the reasons stated above, portions of the Boutros Declaration, portions of  
19 Exhibit 6, and the entirety of Exhibit 3 are properly sealed. Keyes Decl., Exhs. D, E,  
20 F. The portions of the Opposition Brief, Statement of Additional Uncontroverted  
21 Facts, and the Statement of Genuine Disputed Facts that TTI seeks to file under seal  
22 either reproduce, quote from, or summarize the confidential information disclosed in  
23 the Boutros Declaration, Exhibit 6, or Exhibit 3. Keyes Decl. ¶¶ 3–5. Thus, those  
24 portions are properly sealed for the same reasons. *Id.*, Exhs. A, B, C. Defendant will  
25 file publicly-available versions of the Opposition Brief, Statement of Additional  
26 Uncontroverted Facts, and the Statement of Genuine Disputed Facts that redact the  
27 confidential information, leaving the majority of these documents visible to the  
28 public.

1           **III. CONCLUSION**

2           Defendant's Application is narrowly tailored because it seeks to file under seal  
3 only information relating to the categories of information identified above. Only  
4 Exhibit 3 will be sealed in its entirety in the public record. Defendant will publicly  
5 file redacted versions of the Boutros Declaration, Exhibit 6, the Opposition Brief, the  
6 Statement of Additional Uncontroverted Facts, and the Statement of Genuine  
7 Disputed Facts with minimal redactions, leaving the majority of these documents  
8 visible to the public. *Id.* ¶ 12. Further, this Application is narrowly tailored because  
9 the information to be sealed constitutes a small fraction of the evidentiary material  
10 submitted in connection with Defendant's Opposition Brief. For example, Defendant  
11 does not seek to file under seal twenty-three exhibits submitted in support of its  
12 Opposition Brief.

13           For the foregoing reasons, Defendant respectfully request leave to file these  
14 documents under seal as set forth in the Proposed Order submitted herewith.

15  
16 Dated: September 7, 2025

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**CERTIFICATE OF SERVICE**

I hereby certify that on September 7, 2025, a true and correct copy of the foregoing was filed electronically using the Court's CM/ECF system, which shall send notification of such filing to all counsel of record. Any counsel of record who has not consented to electronic service through the Court's CM/ECF system will be served by electronic mail.

/s/ Connor J. Hansen

Connor J. Hansen